



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, September 18, 2012 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	October 16, 2012

Members Present

William Diveley, Chair, Professional Member
Ronald Mandato, Vice Chair, Professional Member
Gary V. Parker, Professional Member
Georgianna Trietley, Professional Member
Brad Levering, Professional Member
Frank Smith, Public Member
Richard Wheeler, Public Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III

Members Absent

Yvonne Rickards, Banking Public Member – No longer serves on the Council

Others Present

James Rostocki

Call to Order

Mr. Diveley called the meeting to order at 9:31 a.m.

Review and Approval of Minutes

The Council reviewed the minutes from the June and July meeting. Mr. Long made a motion to approve the minutes with the correction from Ms. Smith to Mr. Smith and to change the next meeting date on the July minutes from June to the September meeting date, seconded by Mr. Parker. Motion carried unanimously.

Unfinished Business

Status of Complaint: 19-07-11

Mr. Diveley stated that the complaint has been forwarded to Attorney General's Office for review.

Status of Complaint: 19-02-11

Mr. Diveley stated that the complaint has been dismissed by the Division.

Update to Ted Ganderton's Consent Agreement

Ms. Trietley advised that she had not had a chance to review the appraisal reports but will do so after the meeting. Ms. Williams advised that Mr. Ganderton has completed the required mandatory courses per the consent agreement. The Council will review the compliance of Mr. Ganderton's consent agreement at their October meeting to determine if he has complied with all conditions of the agreement and approve to lift his probation.

New Business

New Complaints

19-11-12 of Sussex Co. – Complaint assigned to Mr. Mandato.

19-12-12 of New Castle Co. – Complaint assigned to Ms. Trietley.

Discussion of Executive Order 36

Ms. Davis-Oliva advised that it was an executive order passed by the governor and that for every regulation that is proposed the public comments section must be opened to the public. The Governor has requested that all Boards open up all of their regulations for public comment. The Board will have to hold three public hearings, one in each county, and what the Division has decided to do is to send a hearing officer to each county for a specific period of time to collect all comments received and turn them over to the Board. Then the Board will review those comments at a public hearing and decide if there are any changes that need to be made. The Council does not need to take any action at this time; however they are under a schedule and it will not affect the Council unless they receive any public comment.

Review of Temp Application For Josh Allison

Ms. Davis-Oliva advised that the Council has the ability to waive the disqualification if the Council finds that the applicant can appraise in a professional manner and that the disqualification will not endanger the health, safety and welfare of the public. Ms. Davis-Oliva briefly provided the basis of the consent agreement that Mr. Allison entered into for the Council. Mr. Diveley reviewed the application and consent agreement. Mr. Parker reviewed the consent agreement as well. Mr. Levering stated that Mr. Allison was not licensed at the time he began an appraisal assignment in the State of Oklahoma as the temp permit was not yet issued and active at the time the report was signed, in which he signed as "applying for temp permit." Ms. Davis-Oliva stated that at the time that Mr. Allison signed the report he had not applied for a temp permit. The State of Oklahoma fined Mr. Allison \$1,000. Mr. Mandato made a motion to approve the temp permit for Mr. Allison based on the information presented and waive the disqualification. Mr. Parker opened the floor for discussion. He inquired if the Council could table the application. The Council further discussed. Mr. Parker seconded Mr. Mandato's original motion to approve Mr. Allison for the temp permit and waive the disqualification. Motion carried unanimously.

Ratification of Issued Licenses

Ms. Trietley made a motion to ratify the list of licenses issued below, seconded by Mr. Parker. Motion carried unanimously.

Eric Espada; Trainee: Supervisor: Pamela Buckley, CGRPA
Robert B. Dees, CGRPA
Jeffrey R. Kern, CGRPA

Ratification of Approved Continuing Education Activities

Mr. Parker made a motion to ratify the approved education activities listing, seconded by Mr. Mandato. Motion carried unanimously.

Review of Temp Applications for discussion only

Mr. Diveley read the list of names approved for temporary permits. There was no discussion by the Council.

Review of Application to sit for Rostocki

Mr. Parker advised that the Council needs to amend the agenda to add the review of application for CGRPA to sit for the cert general exam. He made a motion to amend the agenda to approve Mr. Rostocki to sit for the Certified General exam, seconded by Mr. Diveley. Motion carried unanimously.

Other Business before the Council (for discussion only)

Mr. Mandato addressed the Council regarding the comments returned from the AMC legislation. Ms. Davis-Oliva stated that the comments were not new as the Council had already responded on those. The Council further discussed.

The Council discussed the Letters of Concern bill they had submitted which stated should a licensee receive three letters of concern then the Council shall assess the licensee's level of competency. Ms. Davis-Oliva stated that Mr. Collins had inquired if the Council should be given the authority to sanction the person and not just assess the level of professional competency. Mr. Parker stated that the Council should be able to have a hearing and then sanction the licensee. Ms. Davis-Oliva stated that was exactly what Mr. Collins was inquiring and he suggested to change the language to make it a disciplinary offense and then forward to the investigators and the Attorney General's office to hear the case.

Mr. Parker commented on the language of Rule 10.7.1 under the assessor regulations regarding continuing education. He advised that the Council had decided to change the number of hours to seven hours in the classroom and seven hours online. Ms. Davis-Oliva stated she will get the correction made as it was a typo and should not have read 14 hours in the classroom and 14 hours online.

Mr. Parker inquired if Ms. Davis-Oliva had researched whether a certified general appraiser needed to be licensed as an assessor. Ms. Davis-Oliva stated she questioned why a certified general would need to be licensed as an assessor if they exceed assessor qualifications. Mr. Parker stated that the Council's position was a certified general appraiser would not need an assessor license and would be exempt from the assessor regulations. Ms. Davis-Oliva stated she will look into how the language can be clarified in the regulations.

Mr. Parker inquired about a trade organization handling the assessor exam for assessor licensure. Ms. Trietley stated to have it similar to what the International Association of Assessing Officers (IAAO) has where the applicant has to pass certain tests for licensure. Ms. Davis-Oliva advised that an outside vendor can be used for the exam.

Mr. Parker advised about his trip to the Appraisal Institute (AI) Connect conference in San Diego, CA and provided the Council will packets regarding regulatory information and appraisal

information and some contact information as well. At the meeting one topic discussed was the Appraisal Management Company (AMC) oversight issue and the Dodd-Frank Act. Thirty-three states thus far have enacted AMC legislation. Bill Barber of AI Connect is the best contact person for the AMC legislation status. Mr. Levering thanked Mr. Parker for attending the conference on the Council's behalf.

Mr. Mandato advised that the Council was given the task to monitor compliance of consent agreements. Mr. Levering is the contact person for the Leaberry consent agreement and Ms. Williams will provide Mr. Levering with the contact information for Ms. Leaberry to follow up with her consent agreement. Mr. Wheeler advised that Ms. Reagan has completed her 7 hour USPAP course and completed 5 hours in Ethics and 7 hours in report writing and had already paid the fine as well. Ms. Reagan has complied with all conditions of her consent agreement. Mr. Wheeler inquired as to why the Council member should contact the licensee. Mr. Diveley stated that Ms. Williams is the point of contact and will report to the council member assigned to monitor the compliance of what has been taken care of. Ms. Williams searched Ms. Leaberry's order and read for the record the Council's final order decisions. The Council further discussed. The Council agreed to make their conditions in the final orders more specific with designated time frames to comply or complete. Ms. Davis-Oliva stated to flag Ms. Leaberry for audit since the courses she completed for the order are not to be counted towards the renewal of her license in October of 2013. Mr. Mandato stated that the Council should follow Ms. Davis-Oliva's suggestion to wait out the period of probation and then follow up at that point. Mr. Parker opposed in saying that waiting the period out is not essentially protecting the health, safety and welfare of the public as Ms. Leaberry could be appraising properties. The Council discussed if a letter should be sent to follow up on Ms. Leaberry's final order. Ms. Williams and Ms. Davis-Oliva will work to draft a letter to be sent to Ms. Leaberry to follow up on the Council's final order. The Council agreed for all future final orders and consent agreements to have exact due dates.

Ms. Trietley advised that she attended the Real Estate Commission seminar and the Commission passed a regulation to stop the use of Broker Price Opinions (BPOs), unless it is for the use of only obtaining a listing. They changed the language to the proposed language drafted by Phil McGinnis. Ms. Trietley stated that any complaint of a BPO violation can be forwarded over to the Council for investigation. The Council inquired to have Ms. Williams resend the BPO letter that was signed by Mr. Levering back in 2009 again.

Ms. Trietley reminded the Council to begin working on the appraisal seminar for the Spring of 2013.

Mr. Levering inquired if the new legislation drafted by the Council covered all bills the Council requested. Ms. Davis-Oliva advised that the new legislation does cover all areas that the Council wanted included. Mr. Levering inquired if the new appraisal log form has been uploaded to the website. Ms. Williams advised that it has been posted to the website for use. Mr. Levering stated that some Council member's terms are due to expire soon and wants to put the Council on alert. Mr. Parker advised that his term has expired and will not be serving another term. He will be able to attend another couple of meetings and will be able to still serve on the assessor subcommittee. He also advised that in November the Council will be holding their elections and that a public member can serve as the Chair.

Ms. Trietley stated that in October there is a meeting and was nominated to go. Mr. Diveley stated that it is the AARO conference in Washington DC. Ms. Davis-Oliva stated that she will look into attending this conference. Mr. Levering stated that if Ms. Davis-Oliva cannot attend to

have a back up. Ms. Davis-Oliva will send this information to Jean Betley for possible attendance.

Public Comment

There was no public comment.

Next Meeting

The next meeting is scheduled for October 16, 2012 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Mandato made a motion, seconded by Mr. Parker to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:15 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.